

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

RAYMOND CURTIS EVANS,)	
)	
Plaintiff,)	
)	
vs.)	NO. CIV-08-739-D
)	
FEDERAL TRANSFER CENTER, et al.,)	
)	
Defendants.)	

ORDER

Plaintiff, who appears *pro se*, brought this action pursuant to 42 U.S.C. § 1983, asserting constitutional rights violations. In accordance with 28 U.S.C. § 636(b)(1)(B), the matter was referred to United States Magistrate Judge Valerie K. Couch for initial proceedings.

On September 23, 2008, Judge Couch filed a Report and Recommendation [Doc. No. 8] in which she recommended that this action be dismissed without prejudice to refiling. Because Plaintiff timely objected,¹ the matter is reviewed *de novo*.

As the Magistrate Judge noted, upon filing his Complaint, Plaintiff did not pay the filing fee required by the Local Civil Rules. LCvR 3.2. He also failed to seek *in forma pauperis* status, as authorized by Local Civil Rule 3.3. On July 21, 2008, the Magistrate Judge entered an order directing Plaintiff to cure this deficiency by paying the filing fee or filing a motion to proceed *in forma pauperis*; he was directed to do so by August 18, 2008. Plaintiff failed to comply. On August 25, 2008, the Magistrate Judge *sua sponte* extended the deadline until September 12, 2008. She expressly advised Plaintiff that his failure to comply could result in dismissal of this action.

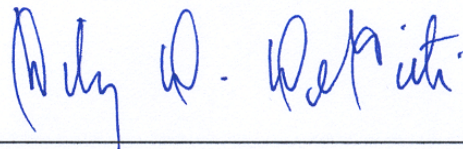
¹Plaintiff's October 6, 2008 submission is entitled "Letter Rogatory;" based on its content, the Court construes it as an objection to the Report and Recommendation.

Plaintiff again failed to pay the filing fee or to file a motion to proceed *in forma pauperis*. The Magistrate Judge then filed the Report and Recommendation in which she recommends dismissal without prejudice to the filing of a new action.

In his objection, Plaintiff does not dispute his failure to pay the filing fee or seek *in forma pauperis* status. Instead, he argues that the fee is “outrageous” and contends that inmates lack the finances to pursue claims because of the fee. His objection ignores the availability of a motion to proceed *in forma pauperis*, an option that was clearly explained to him by the Magistrate Judge. The Court finds that Plaintiff’s arguments are insufficient to warrant rejection of the Magistrate Judge’s recommendation.

Accordingly, the Report and Recommendation [Doc. No. 8] is adopted. This action is dismissed without prejudice to the filing of a new action.

IT IS SO ORDERED this 27th day of February, 2009.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE